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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/606,683
Filing Date: June 30, 2000
Appellant(s): SPALINK ET AL.

MAILED

JUN 06 2007

Technology Center 2100

Jose Cortina
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed Jan. 24, 2007 appealing from the Office action mailed June 30, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Khan, U.S. Patent No. 6,546,393

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 7-8, 11, 15, 19-20, 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Khan, U.S. Patent No. 6,546,393.

Khan teaches the invention explicitly as claimed including a system and method for classifying and ranking a list of web pages using a plurality of users on a network (see abstract).

As to claim 1, Khan teaches a method for classifying information available on a computer network, the method including:

receiving a list of network resource locators, said list being created by identifying network resources accessed by users of the network from use data which is related to resources accessed by a number of the users of the network (see col. 11 lines 55-col. 12 lines 61, col. 16 lines 1-25 and col. 13 lines 27-55, a list of bookmarks "network resource locators" are uploaded from users accessing links on the network to a server that stores a directory of bookmarks shared by a plurality of users) ;

for each network resource locator of the created list, sending the network resource locator to a graphical user interface (GUI) component of at least one Web-coding workstation connected to the network which is separate from the users of the network (see col. 11 lines 58-col. 12 lines 54 and fig. 10-11 and 15-18, user categorizes each of the bookmarks in the list and further categorization is performed by the editorial staff using a GUI as shown in fig. 10-11 and 15-18);

receiving a selection from at least one web coder from the at least one Web-coding workstation, with each selection representing a classification for the resource identified by the sent network resource locator, said selection being generated

in response to the web coder using tools of said GUI component and in accordance with a predetermined classification system (see col. 11 lines 58-col. 12 lines 54 and fig. 10-11 and 15-18, user may select a category for the selected bookmark and the editorial staff may also select a category for the uploaded bookmark using a GUI as shown in fig. 10-11 and 15-18); and

storing the classification in a separate database in relation to said resource locator and to said at least one Web-coding workstation (see col. 12 lines 1-27 and col. 13 lines 25-55, the bookmark and the classification is stored in the directory of bookmarks and ranked according to plurality of metrics).

As to claim 2, Khan teaches the method of claim 1, wherein the list of network resource locators includes one or more Web sites accessed by users of the network (see col. 11 lines 45-col. 12 lines 27 and col. 13 lines 25-55).

As to claim 3, Khan teaches the method of claim 1, wherein said tools include a hierarchical taxonomy of classifications and said selection represents one of said classifications (see col. 11 lines 45-col. 12 lines 27 and col. 13 lines 25-55).

As to claim 7, Khan teaches the method of claim 1, wherein the database is one or more from a group consisting of:

a flat file; a binary tree; a relational database; and an object-oriented database (see col. 11 lines 45-col. 12 lines 27 and col. 13 lines 25-55).

As to claim 8, Khan teaches a system for classifying information available on a computer network, the system comprising:

a resource generator component that creates a list of network resource locators, said list being created by identifying network resources accessed by users of the network from use data which is related to resources accessed by a number of the users of the network (see col. 11 lines 55-col. 12 lines 61, col. 16 lines 1-25 and col. 13 lines 27-55, user computer creates a list of bookmarks "network resource locators" are uploaded from users accessing links on the network to a server that stores a directory of bookmarks shared by a plurality of users) ;

a datastore component for storing the classification in a separate database in relation to said resource locator and to said at least one Web-coding workstation (see col. 12 lines 1-27 and col. 13 lines 25-55, the bookmark and the classification is stored in the directory of bookmarks and ranked according to plurality of metrics);

at least one Web-coding workstation connected on the network which is separate from the users of the network, each one of said at least one separate Web-coding workstation having a graphical user interface (GUI) component having tools to allow at least one Web coder to select a classification for each resource respectively identified by the resource locators of said list in accordance with a predetermined classification system (see col. 11 lines 58-col. 12 lines 54 and fig. 10-11 and 15-18, user computers categorizes each of the bookmarks in the list and further categorization is performed by the editorial staff computers which are separate from the users of the network using a GUI as shown in fig. 10-11 and 15-18); and

a classification processor component separate from said datastore component and from said at least one Web-coding workstation that receives the list of network

resource locators from the resource generator component, causes presentation of said network resource locators using said GUI component, and receives the classification determined for each resource respectively identified by the network resource locators, and stores the classification in said data store component (see col. 11 lines 58-col. 12 lines 54 and fig. 10-11 and 15-18, user may select a category for the selected bookmark and the editorial staff computers which are separate from the server that stores the directory and also separate from the users may also select a category for the uploaded bookmark using a GUI as shown in fig. 10-11 and 15-18).

As to claim 11, Khan teaches the system of claim 8, wherein said tools include a hierarchical taxonomy of classifications and said selection represents one of said classifications (see col. 11 lines 45-col. 12 lines 27 and col. 13 lines 25-55).

As to claim 15, Khan teaches the method of claim 1, wherein the network resource locator is sent to more than one Web-coding workstation, and wherein said classification is assigned based on receiving more than one source selection from said more than one Web-coding workstation (see col. 11 lines 45-col. 12 lines 27).

As to claim 19, Khan teaches the system of claim 11, wherein said at least one graphical user interface (GUI) comprises at least one GUI, and said data store is connected for storing the classification therein based on more than one same classification received for each resource identified (see col. 12 lines 15-27, users submit the classification vote, however the final classification is determined by the editorial staff, i.e. multiple level voting").

As to claim 20, Khan teaches the system of claim 8, wherein the classification processor uses a multiple-level voting system (see col. 12 lines 15-27, users submit the classification vote, however the final classification is determined by the editorial staff, i.e. multiple level voting").

As to claim 23, Khan teaches a method for classifying information available on a computer network, the method including:

receiving a list of network resource locators, said list being created by identifying network resources accessed by users of the network from use data which is related to resources accessed by a number of the users of the network (see col. 11 lines 55-col. 12 lines 61, col. 16 lines 1-25 and col. 13 lines 27-55, a list of bookmarks "network resource locators" are uploaded from users accessing links on the network to a server that stores a directory of bookmarks shared by a plurality of users) ;

for each network resource locator of the created list, sending the network resource locator to a graphical user interface (GUI) component of at least one Web-coding workstation connected to the network which is separate from the users of the network (see col. 11 lines 58-col. 12 lines 54 and fig. 10-11 and 15-18, user categorizes each of the bookmarks in the list and further categorization is performed by the editorial staff using a GUI as shown in fig. 10-11 and 15-18);

receiving a selection from at least one web coder from the at least one Web-coding workstation, with each selection representing a classification for the resource identified by the sent network resource locator, said selection being generated in response to the web coder using tools of said GUI component and in accordance with

a predetermined classification system (see col. 11 lines 58-col. 12 lines 54 and fig. 10-11 and 15-18, user may select a category for the selected bookmark and the editorial staff may also select a category for the uploaded bookmark using a GUI as shown in fig. 10-11 and 15-18); and

storing the classification in a separate database in relation to said resource locator and to said at least one Web-coding workstation (see col. 12 lines 1-27 and col. 13 lines 25-55, the bookmark and the classification is stored in the directory of bookmarks and ranked according to plurality of metrics).

As to claim 24, Khan teaches a system for classifying information available on a computer network, the system comprising:

a resource generator component that creates a list of network resource locators, said list being created by identifying network resources accessed by users of the network from use data which is related to resources accessed by a number of the users of the network (see col. 11 lines 55-col. 12 lines 61, col. 16 lines 1-25 and col. 13 lines 27-55, user computer creates a list of bookmarks "network resource locators" are uploaded from users accessing links on the network to a server that stores a directory of bookmarks shared by a plurality of users) ;

means for sorting said list based on the number of unique users having accessed a resource identified by the network resource locators (see col. 13 lines 25-40, the server that stores the directory sorts the directory based on the number of user that accessed the site);

a datastore component for storing the classification in a separate database in relation to said resource locator and to said at least one Web-coding workstation (see col. 12 lines 1-27 and col. 13 lines 25-55, the bookmark and the classification is stored in the directory of bookmarks and ranked according to plurality of metrics);

at least one Web-coding workstation connected on the network which is separate from the users of the network, each one of said at least one separate Web-coding workstation having a graphical user interface (GUI) component having tools to allow at least one Web coder to select a classification for each resource respectively identified by the resource locators of said list in accordance with a predetermined classification system (see col. 11 lines 58-col. 12 lines 54 and fig. 10-11 and 15-18, user computers categorizes each of the bookmarks in the list and further categorization is performed by the editorial staff computers which are separate from the users of the network using a GUI as shown in fig. 10-11 and 15-18); and

a classification processor component separate from said datastore component and from said at least one Web-coding workstation that receives the list of network resource locators from the resource generator component, causes presentation of said network resource locators using said GUI component, and receives the classification determined for each resource respectively identified by the network resource locators, and stores the classification in said data store component (see col. 11 lines 58-col. 12 lines 54 and fig. 10-11 and 15-18, user may select a category for the selected bookmark and the editorial staff computers which are separate from the server that stores the

directory and also separate from the users may also select a category for the uploaded bookmark using a GUI as shown in fig. 10-11 and 15-18).

As to claim 25, Khan teaches the method of claim 1, wherein said at least one Web-coding workstation comprises more than one Web-coding workstations, and wherein said classification is assigned based on receiving more than one source selection from said more than one Webcoding workstations (see col. 11 lines 45-col. 12 lines 27).

As to claim 26, Khan teaches the system of claim 8, wherein said at least one Web-coding workstation comprises more than one Web-coding workstations, and each one of said more than one Web-coding workstations having said graphical user interface (GUI) component having tools to allow more than one user, each corresponding respectively to one of said more than one Web-coding workstations to select a classification for each resource respectively identified by the resource locator of said lists (see col. 11 lines 45-col. 12 lines 27).

Allowable Subject Matter

Claims 17, 18, 21 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

As per appellants arguments filed on January 24, 2007, the appellant argues that Khan does not disclose "identifying network resources accessed by common users of a network, and sending it to a Web-coding workstation wherein a selection is made by the Web-coder who is not a user who is browsing a network to classify the resources accessed by users, i.e., multiple users of the network (See Brief page 13 lines 15-25, Argument A).

Khan teaches a system and method for uploading bookmarks to a website directory (see col. 11 lines 40-61). The user may choose whether or not to categorize the list of bookmarks before they are uploaded to the website server (see col. 11 lines 62-col. 12 lines 12). Under manual classification, the user categorizes each bookmark and sends the bookmark to the website server. The bookmark is received by a staff editor "coding station" that determines whether the user categorization is correct and determines whether to accept the categorization or change the categorization of the selected bookmark (see col. 11 lines 62-col. 12 lines 4).

Khan teaches a plurality of users "users of the network", where each user uploads their own list "list of network resource locators" (i.e. list of bookmarks). The list of bookmarks is created when the user accesses a plurality of websites and adds one or more of the websites to the personal bookmarks (i.e. "the list being created by identifying network resources accessed by users of the network").

Since the staff editors that categorizes the bookmarks before the bookmarks are added to the website directory are not part of the users, and since the staff editors do not bookmark any websites (their role in the system and method is to categorize the

bookmarks), the staff editor computers that categorize the bookmarks taught by Khan are interpreted to be the Web-coding workstation wherein a selection is made by the Web-coder who is not a user who is browsing a network to classify the resources accessed by users".

Also the claim language does not define the web-coder as a user who is not browsing a network resource. Therefore even the user that categorizes the bookmarks and uploads the bookmarks to the website directory may also be interpreted to be the "web-coding workstation that is connected to the network for receiving a selection representing a classification of the network resource".

With respect to the appellants argument that Khan does not identify network resources accessed by users of the network, examiner raises the question: How does the network select or identify URL or websites to be added to the website directory? Answer: The website directory adds the bookmarks of the websites that are bookmarked by the user and ranks the bookmarks according to how often users access the bookmark and how often users bookmark the site (see col. 12 lines 56-col. 13 lines 40). Therefore Khan teaches "identifying network resources accessed by users of the network" as claimed.

Appellant argues that the claims cannot be rejected under 35 USC 103(a) for being obvious over Khan (see Brief Page 14 lines 15-page 15 lines 18, Argument B).

In reply to B, claims 1-3, 7-8, 11, 15, 19-20, 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Khan. Therefore the argument is not on point and does not apply to the current rejection.

Appellant argues that Khan does not disclose that the list of network resource locators includes one or more Web sites accessed by users of the network (see Brief page 15 lines 20-25, Argument C).

In reply to C, Khan teaches that the users may upload the list of bookmarks to the server to be added to the directory (see col. 12 lines 14-27). The list of bookmarks accessed by each user is a "list of network resource locators includes one or more Web sites accessed by users of the network".

Appellant argues that Khan does not disclose wherein the database is one or more from a group consisting of a flat file; a binary tree; a relational database; and an object-oriented database (See Brief page 16 lines 1-5, Argument D).

In reply to D, Khan teaches a system and method for categorizing uploaded bookmarks. After the bookmarks are categorized, the bookmarks are added to the website directory (see col. 13 lines 25-55). Since the directory is an indexed file that indexes the bookmarks in an organized list, Khan's indexed directory list is a file and a relational database. Since claim 7 states "one" or more of a flat file; a binary tree; a relational database; and an object-oriented database, then Khan's file i.e. flat file which also happens to be a relational database meets the scope of the claimed language,

Appellant argues that Khan does not disclose the network resource locator is sent to more than one Web-coding workstation, and wherein said classification is assigned based on receiving more than one source selection from said more than one Web-coding workstation (See Brief page 16 lines 6-12, Argument E).

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In reply to E, Khan teaches that the users choose a selection for the category of the bookmark. The site is also submitted to a clustering search engine that searches keywords in the site to determine a categorization for the site, then the editorial staff also submit the final category of the site (see col. 11 lines 62-col. 12 lines 12 and lines 37-53). Khan's categorization based on the categorization specified by the user, search engine and the editorial staff is interpreted to be "said classification is assigned based on receiving more than one source selection from said more than one Web-coding workstation".

(11) Related Proceeding(s) Appendix


No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

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